



ENTERED
04/09/2010

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

IN RE: § CASE NO. 09-20840-C-13
§
JOSE O. GARCIA, JR. and NORA §
C. GARCIA, §
Debtor § CHAPTER 13
§
PHH MORTGAGE CORP. F/K/A §
CENDANT MORTGAGE CORP. ITS §
ASSIGNS AND/OR SUCCESSORS IN §
INTEREST, §
Movant § HEARING DATE: _____
§
v. § TIME: _____
§
JOSE O. GARCIA, JR. and NORA §
C. GARCIA; and CINDY §
BOUDLOCHE, Trustee §
Respondents § JUDGE RICHARD S. SCHMIDT

**AGREED ORDER GRANTING RELIEF FROM AUTOMATIC STAY
(This Order resolves Docket #)**

PHH MORTGAGE CORP. F/K/A CENDANT MORTGAGE CORP. ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST ("Movant") filed a motion for relief from the automatic stay against

10417 JICARILLA DRIVE
HEREFORD, AZ 85615

THE FOLLOWING DESCRIBED REAL PROPERTY LOCATED IN THE COUNTY OF COCHISE, STATE OF ARIZONA, DESCRIBED AS FOLLOWS:

PARCEL I:

THAT PORTION OF PARCEL 1 OF SURVEY ENTITLED BRADBARY ESTATES, ACCORDING TO BOOK 10 OF SURVEYS, PAGE 61, RECORDS OF COCHISE COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTH 89 DEGREES 57 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID PARCEL 1, A DISTANCE OF 506.21 FEET TO A POINT; THENCE NORTH 00 DEGREES 04 MINUTES 58 SECONDS EAST, A DISTANCE OF 344.21 FEET TO AN

IRON PIN SET MARKED LS 11846; THENCE NORTH 89 DEGREES 57 MINUTES 57 SECONDS EAST, A DISTANCE OF 506.21 FEET TO A POINT; THENCE SOUTH 00 DEGREES 04 MINUTES 58 SECONDS WEST ALONG THE EAST LINE OF PARCEL 1, A DISTANCE OF 344.20 FEET TO THE POINT OF BEGINNING;

PARCEL II:

AN UNDIVIDED 1/5 INTEREST IN AND TO THE FOLLOWING DESCRIBED WELLSITE:

THAT PORTION OF PARCEL 1 OF A SURVEY ENTITLED BRADBARY ESTATES, ACCORDING TO BOOK 10 OF SURVEYS, PAGE 61, RECORDS OF COCHISE COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTH 89 DEGREES 57 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID PARCEL 1, A DISTANCE OF 536.21 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 58 SECONDS EAST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE WEST 20.00 FEET; THENCE NORTH 20.00 FEET; THENCE EAST 20.00 FEET; THENCE SOUTH 20.0 FEET TO THE POINT OF BEGINNING;

PARCEL III:

EASEMENT FOR ACCESS AND UTILITIES AS CREATED IN INSTRUMENT NO. 0404-13532 OVER THE EAST 30.00 FEET OF THE FOLLOWING DESCRIBED PARCEL: THAT PORTION OF PARCEL I OF A SURVEY ENTITLED BRADBARY ESTATES, ACCORDING TO BOOK 10 OF SURVEYS, PAGE 61, RECORDS OF COCHISE COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 1; THENCE SOUTH 89 DEGREES 57 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID PARCEL 1, A DISTANCE OF 506.21 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 57 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID PARCEL 1, A DISTANCE 506.21 FEET TO A POINT; THENCE NORTH 00 DEGREES 04 MINUTES 58 MINUTES EAST, A DISTANCE OF 344.21 FEET TO AN IRON PIN SET MARKED LS 11845; THENCE NORTH 89 DEGREES 57 MINUTES 57 SECONDS EAST, A DISTANCE OF 506.21 FEET TO A POINT; THENCE SOUTH 00 DEGREES 04 MINUTES 58 SECONDS WEST, A DISTANCE OF 344.20 FEET TO THE POINT OF BEGINNING.

(the "Property"). Movant represented to the Court that it had served the motion in accordance with all applicable rules and provided notice of the hearing. As shown by Debtor(s)' or Debtor(s)' counsel signature below, Debtor(s) have agreed to the requested relief. If there is a co-debtor, the co-debtor failed to file a timely objection to the proposed relief.

Accordingly, it is ordered that Movant is granted leave from the automatic stay to pursue its state law remedies against the Property, including repossession, foreclosure and/or eviction.

ReservedForJudgeSignature

Agreed:

AGREED AND ENTRY REQUESTED:

J. TODD MALAISE

TBA NO.: _____

S.D. TEX. BAR NO.: _____

606 N CARANCAHUA STET 1100

CORPUS CHRISTI, TX 78476

TELEPHONE: _____

FAX: _____

EMAIL: _____

ATTORNEY FOR DEBTORS

[Document must be signed by Debtor(s) or by Debtor(s)' counsel or both. Electronic signatures may be submitted. Movant must retain copies of the original signatures.]

By submitting this Agreed Order, Movant's counsel certifies that counsel reviewed the docket sheet after the expiration of the deadline for responses and that no co-debtor has filed any opposition to the requested relief.

(the "Property"). Movant represented to the Court that it had served the motion in accordance with all applicable rules and provided notice of the hearing. As shown by Debtor(s)' or Debtor(s)' counsel signature below, Debtor(s) have agreed to the requested relief. If there is a co-debtor, the co-debtor failed to file a timely objection to the proposed relief.

Accordingly, it is ordered that Movant is granted leave from the automatic stay to pursue its state law remedies against the Property, including repossession, foreclosure and/or eviction.

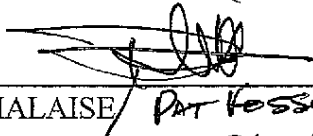
The stay imposed by Bankruptcy Rule 4001 (a)(3) does not apply.

April 9, 2010



Agreed:

AGREED AND ENTRY REQUESTED:



J. TODD MALAISE / *Pat Fossett*

TBA NO.: 2A004652

S.D. TEX. BAR NO.: 22549

606 N CARANCAHUA STET 1100

CORPUS CHRISTI, TX 78476

TELEPHONE: _____

FAX: _____

EMAIL: _____

ATTORNEY FOR DEBTORS

[Document must be signed by Debtor(s) or by Debtor(s)' counsel or both. Electronic signatures may be submitted. Movant must retain copies of the original signatures.]

By submitting this Agreed Order, Movant's counsel certifies that counsel reviewed the docket sheet after the expiration of the deadline for responses and that no co-debtor has filed any opposition to the requested relief.